

EXHIBIT E

From: Lustberg, Lawrence S
Sent: Friday, December 10, 2021 3:59 PM
To: Thomas, Andrew (USANYS)
Cc: Rossmiller, Alexander (USANYS); Podolsky, Matthew (USANYS); Valen, Thomas R.
Subject: RE: [EXTERNAL] RE: Your call

Ok, thanks Andrew. Will get back to you asap on whether we can be ready by that time, or whether the beginning of the new year would be better – either way, we will certainly be able to meet over the course of the next month, for sure. Thanks – and will be in touch soon.


Have a great weekend.

Larry

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From: Thomas, Andrew (USANYS) <Andrew.Thomas2@usdoj.gov>
Sent: Friday, December 10, 2021 3:52 PM
To: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>
Cc: Rossmiller, Alexander (USANYS) <Alexander.Rossmiller@usdoj.gov>; Podolsky, Matthew (USANYS) <Matthew.Podolsky@usdoj.gov>; Valen, Thomas R. <TValen@gibbonslaw.com>
Subject: RE: [EXTERNAL] RE: Your call

Hi Larry,

We apologize for leaving you hanging. We remain interested in hearing from you, and we are still interested in hearing from you the week of 12/20 if that week remains viable for you. Would the 21st work, perhaps in the morning? If we waited too long to make use of the week of the 20th, we can propose a time shortly after the New Year. (We don't want to impose on you folks during the holidays, but it would be helpful to have the benefit of your presentation in the next month.)

Andrew

From: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>
Sent: Friday, December 10, 2021 3:40 PM
To: Thomas, Andrew (USANYS) <AThomas@usa.doj.gov>
Cc: Rossmiller, Alexander (USANYS) <ARossmiller@usa.doj.gov>; Podolsky, Matthew (USANYS)

<MPodolsky@usa.doj.gov>; Valen, Thomas R. <TValen@gibbonslaw.com>

Subject: RE: [EXTERNAL] RE: Your call

Andrew – Hope you are well.

We never heard back from you guys, which is fine, but just wondering when you thought you might want to meet with us, even approximately. Assuming at this point that it will no longer be the week beginning 12/20, but we are all just trying to plan our time around the holidays. Thanks and have a great weekend.

Larry

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From: Thomas, Andrew (USANYS) <Andrew.Thomas2@usdoj.gov>

Sent: Wednesday, November 24, 2021 2:50 PM

To: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>

Cc: Rossmiller, Alexander (USANYS) <Alexander.Rossmiller@usdoj.gov>; Podolsky, Matthew (USANYS) <Matthew.Podolsky@usdoj.gov>; Valen, Thomas R. <TValen@gibbonslaw.com>

Subject: Re: [EXTERNAL] RE: Your call

Thanks, Larry. We will see which days work on our end and get back to you next week. We hope you have a great holiday.

On Nov 24, 2021, at 2:21 PM, Lustberg, Lawrence S <LLustberg@gibbonslaw.com> wrote:

Alex, Andrew and Matt – We promised to get back to you before Thanksgiving regarding when we thought we might be in a position to provide the attorney proffer that we promised when we spoke last week. Well, we still have a couple of hours before Thanksgiving, so we are not late!

We would propose some time the week beginning December 20, if that works for you guys. Would love to do it earlier, but I am just jammed with other things and we want to make sure it is a thorough and helpful presentation on the subjects that you listed. I know that is the week before Christmas, but hopefully it will work with your schedules. Let us know.

Thanks and have a great Thanksgiving – talk to you soon.

Larry

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From: Rossmiller, Alexander (USANYS) <Alexander.Rossmiller@usdoj.gov>
Sent: Tuesday, November 16, 2021 6:55 PM
To: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>; Valen, Thomas R. <TValen@gibbonslaw.com>
Cc: Thomas, Andrew (USANYS) <Andrew.Thomas2@usdoj.gov>; Podolsky, Matthew (USANYS) <Matthew.Podolsky@usdoj.gov>
Subject: RE: Your call

Larry –

Apologies for the delayed reply, long day, but 5:30 tomorrow would be fine. Do you want to send a dial-in? Or we can send one if that's easier, whatever you prefer.

thanks,
Alex.

From: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>
Sent: Tuesday, November 16, 2021 07:14
To: Rossmiller, Alexander (USANYS) <ARossmiller@usa.doj.gov>; Valen, Thomas R. <TValen@gibbonslaw.com>
Cc: Thomas, Andrew (USANYS) <AThomas@usa.doj.gov>; Podolsky, Matthew (USANYS) <MPodolsky@usa.doj.gov>
Subject: [EXTERNAL] RE: Your call

Alex, et al. -- My train gets in from Wilmington, if on time, at 4:34 – to leave a little leeway in case it is late, are you ok if I schedule the call for 5:30? Thanks and sorry for any inconvenience.

Larry

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From: Rossmiller, Alexander (USANYS) <Alexander.Rossmiller@usdoj.gov>
Sent: Monday, November 15, 2021 5:17 PM
To: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>; Valen, Thomas R. <TValen@gibbonslaw.com>
Cc: Thomas, Andrew (USANYS) <Andrew.Thomas2@usdoj.gov>; Podolsky, Matthew (USANYS) <Matthew.Podolsky@usdoj.gov>
Subject: RE: Your call

Larry,

Thanks for getting back to us so promptly, and 4:00 is fine for us, thanks – or if it's easier in terms of your expected commute to do a little later, say 4:30 / 5:00 / 5:30, that works too. If you want to send a call-in for whichever time in that range you prefer, we'll plan to talk then.

thanks again,
Alex.

From: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>
Sent: Monday, November 15, 2021 17:14
To: Rossmiller, Alexander (USANYS) <ARossmiller@usa.doj.gov>; Valen, Thomas R. <TValen@gibbonslaw.com>
Cc: Thomas, Andrew (USANYS) <AThomas@usa.doj.gov>; Podolsky, Matthew (USANYS) <MPodolsky@usa.doj.gov>
Subject: [EXTERNAL] RE: Your call

Sure, Alex – I have a Third Circuit oral argument in Wilmington Delaware starting at 1:00 that day, but I suspect that by 4:00, at the latest, I will be available (though I may be in my car or, more likely, on a train) – I have checked with Tom and he is available too. If that works for you, I can send around a call-in number. Let me know. Thanks.

Larry

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From: Rossmiller, Alexander (USANYS) <Alexander.Rossmiller@usdoj.gov>
Sent: Monday, November 15, 2021 4:59 PM
To: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>; Valen, Thomas R. <TValen@gibbonslaw.com>
Cc: Thomas, Andrew (USANYS) <Andrew.Thomas2@usdoj.gov>; Podolsky, Matthew (USANYS) <Matthew.Podolsky@usdoj.gov>
Subject: RE: Your call

Larry, Tom,

We were wondering if you would be available for a phone call this Wednesday afternoon, at 3:00 or later? We wanted to follow up on a couple aspects of our discussion a few weeks ago.

thanks,
Alex.

From: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>
Sent: Friday, October 22, 2021 06:53
To: Podolsky, Matthew (USANYS) <MPodolsky@usa.doj.gov>
Cc: Valen, Thomas R. <TValen@gibbonslaw.com>; Thomas, Andrew (USANYS) <AThomas@usa.doj.gov>;
Rossmiller, Alexander (USANYS) <ARossmiller@usa.doj.gov>
Subject: RE: [EXTERNAL] RE: Your call

Please use this call-in for our 4:00 pm call today: 866-793-9719 – passcode 2655114#.

Talk to you then. Thanks.

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From: Podolsky, Matthew (USANYS) <Matthew.Podolsky@usdoj.gov>
Sent: Thursday, October 21, 2021 7:23 PM
To: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>
Cc: Valen, Thomas R. <TValen@gibbonslaw.com>; Thomas, Andrew (USANYS) <Andrew.Thomas2@usdoj.gov>; Rossmiller, Alexander (USANYS) <Alexander.Rossmiller@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Your call

That would be great, thank you.

On Oct 21, 2021, at 7:15 PM, Lustberg, Lawrence S <LLustberg@gibbonslaw.com> wrote:

Works for us – let me know if you want me to circulate a call-in Happy to do so.

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From: Podolsky, Matthew (USANYS) <Matthew.Podolsky@usdoj.gov>
Sent: Thursday, October 21, 2021 6:32 PM
To: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>
Cc: Valen, Thomas R. <TValen@gibbonslaw.com>; Thomas, Andrew (USANYS) <Andrew.Thomas2@usdoj.gov>; Rossmiller, Alexander (USANYS) <Alexander.Rossmiller@usdoj.gov>
Subject: Re: [EXTERNAL] RE: Your call

How about 4 pm?

Matt

On Oct 21, 2021, at 6:27 PM, Lustberg, Lawrence S <LLustberg@gibbonslaw.com> wrote:

Thanks so much, Matt, for your prompt response. I can be available any time tomorrow afternoon, until another meeting at 5:30 pm – whatever works for you guys. Just let me know – I can send around a call-in (or a zoom invite) if that would be helpful.

Larry

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From: Podolsky, Matthew (USANYS) <Matthew.Podolsky@usdoj.gov>
Sent: Thursday, October 21, 2021 5:45 PM
To: Lustberg, Lawrence S <LLustberg@gibbonslaw.com>; Valen, Thomas R. <TValen@gibbonslaw.com>
Cc: Thomas, Andrew (USANYS) <Andrew.Thomas2@usdoj.gov>; Rossmiller, Alexander (USANYS) <Alexander.Rossmiller@usdoj.gov>
Subject: Your call

Larry and Tom,

I received your voicemail, thank you for reaching out. Would you like to set up a time to touch base tomorrow afternoon?

Many thanks,
Matt

Matthew Podolsky
Assistant United States Attorney
Southern District of New York
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New York, NY 10007
(212) 637-1947

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